

CHAPTER 6 CHANGES TO AN ESS

6-1. Introduction. This chapter discusses requirements for modifying an approved ESS.

During the course of an OE response action, the hazards, risks, or explosives safety controls may change based on the actual conditions encountered. Depending on the type of change, either an amendment or a correction to the ESS is required.

6-2. Amendment to an ESS.

a. An amendment is required for changes regarding the assumed or known explosives hazards or any proposed changes in work activities or safety controls that can potentially affect worker or public safety.

b. An amendment requires approval through the same process followed for the original ESS (see Chapter 5).

(1) For a change that specifies less restrictive requirements (e.g., reduction in exclusion zone), the requirements of the approved ESS will not be implemented until the amendment is approved.

(2) When changes would be more restrictive than the requirements specified in the approved ESS (e.g., increase in the exclusion zone), the more restrictive measures will be implemented until the ESS amendment is approved.

(3) In some instances work will cease at a site until the ESS amendment has been approved. These situations will be on a case-by-case basis. Contact the OE MCX for specific guidance on when work will need to stop pending approval of the ESS amendment.

c. Example changes that require an amendment to the ESS.

(1) A change in the planned reuse of the property changes the clearance depth.

(2) A change in the clearance depth changes the planned reuse. For example, the ESS states that OE will be removed to a depth of four feet. However, circumstances are such that a clearance can only be performed to a depth of one foot. As a result, the reuse of the land must be further restricted.

(3) A change in the land use restrictions. For example, the ESS states that the property will be cleared to a depth of four feet and the land use will be restricted to surface

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recreation, surface storage, and vehicle parking after the removal action. During the removal action, all of the OE is found at shallow depths and there is no reason to believe OE exists deeper than four feet. Therefore, it may be appropriate to change the land use restrictions. An amendment to the ESS must be prepared, providing the results of the removal action and explaining why it is highly unlikely that OE would be found deeper.

(4) The estimated OE depth changes, causing a change in the clearance depth (e.g., OE is consistently found at less than the estimated depths and a reduced clearance depth is desired).

(5) The clearance depth changes from below the frost line to above the frost line. The amendment should give: the frost line depth, state what the old clearance depth was, what the new clearance depth is, an explanation for the change, and what the follow-on monitoring procedures will be for upward migration due to frost heave.

(6) Property owners or stakeholders cause a decrease in the area to be cleared at a FUDS (e.g., right of entry denied).

(7) Incorporation of new or modified engineering controls not included in the approved ESS.

(8) Change in Q-D arcs.

(9) A new magazine storage area or demolition ground is established.

6-3. Correction to an ESS.

a. Corrections are changes that do not have the potential to affect worker or public safety. Corrections are typically administrative changes.

b. Corrections do not require approval through the process described in Chapter 5. Once the OE MCX concurs with a correction for a FUDS project, routing to higher-level offices is for information only.

c. The project team should use their best judgement in deciding whether such a change is significant enough to make a correction to the ESS. For example, a correction should be submitted if the area to be cleared is substantially increased (e.g., increase from 200 acres to 300 acres) with no other changes, however a correction would not be necessary if the change is minimal (e.g., increase from 200 acres to 203 acres).

- d. When in doubt about whether an amendment or correction is required, call the OE MCX.